

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**A.F.,**

Plaintiff,

vs.

**UNITED HEALTHCARE,**

Defendant.

CASE NO. 20-cv-08809-YGR

**ORDER DENYING MOTION TO DISMISS  
COUNT II OF COMPLAINT**

Re: Dkt. No. 19

On December 11, 2020, plaintiff filed this action under the Employee Retirement Income Security Act of 1974 (“ERISA”) alleging claims for (1) denial of benefits and (2) breach of fiduciary duty. On February 26, 2021, defendant filed a motion to dismiss Count II of the complaint under Federal Rule 12(b)(6) for failure to plead distinct remedies from Count I and for failure to state a violation of the Parity Act. (Dkt. No. 19.) Having carefully considered the briefing and arguments submitted on the motion, and for the reasons stated on the record at the April 20, 2021 hearing, the Court **DENIES** defendant’s motion to dismiss. Defendant shall have until **May 4, 2021** to file its answer to the complaint.

This Order terminates Docket Number 19.

**IT IS SO ORDERED.**

Dated: April 27, 2021

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE